

Form 149

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

In re:

**Paul M. Ruda**  
Debtor(s)

Bankruptcy Case No.: 17-21573-CMB  
Issued Per Oct. 18, 2018 Proceeding  
Chapter: 13  
Docket No.: 74 – 65, 68  
Concil. Conf.: at

**ORDER OF COURT CONFIRMING PLAN AS MODIFIED  
AND SETTING DEADLINES FOR CERTAIN ACTIONS**

**(1.) PLAN CONFIRMATION:**

IT IS HEREBY ORDERED that upon consent of the Debtor(s), the Chapter 13 Plan dated August 20, 2018 is CONFIRMED as modified at the Plan confirmation hearing. Terms of the Plan not expressly modified by this Order remain in full force and effect. A copy of this Plan was previously mailed to you. *Only those provisions which are checked below apply to this case:*

- ☐ A. For the remainder of the Plan term, the periodic Plan payment is amended to be \$ as of . Debtor(s)' counsel shall file a motion to amend the income attachment order within seven (7) days of the date of this Order.
- ☐ B. The length of the Plan is increased to a total of months. This statement of duration of the Plan is an approximation. The Plan shall not be completed until the goals of the Plan have been achieved. The total length of the Plan shall not exceed sixty (60) months.
- ☐ C. Plan confirmation is on an interim basis only as a form of adequate protection. The Trustee is authorized to distribute to secured and priority creditors with percentage fees. ***A final plan conciliation conference will be held on at , in .*** If the Parties cannot resolve all disputes at the conciliation conference, a hearing will be scheduled and orally announced at the conclusion of the conference without any further written notice to any party. Parties are directed to monitor the Court's docket and read the Chapter 13 Trustee's minutes of the conciliation conference to the extent such parties desire more information regarding the outcome of the conciliation conference.
- ☐ D. Plan confirmation is subject to the resolution of all actions to determine the avoidability, priority, or extent of liens; including determination of the allowed amount of secured claims under *11 U.S.C. §506*, disputes over the amount and allowance of claims entitled to priority under *11 U.S.C. §507*, and all objections to claims.
- ☐ E. The allowed claims of general unsecured creditors shall be paid from available funds on a pro rata basis, which may represent an increase or decrease in the amount projected in the Plan.
- ☐ F. shall be paid monthly payments of \$ beginning with the Trustee's distribution and continuing for the duration of the plan term, to be applied by that creditor to its administrative claim, budget payments and/or security deposit. These payments shall be at the third distribution level.
- ☒ G. The claims of the following creditors shall govern as to amount, classification and rate of interest (or as otherwise noted), unless the Debtor(s) successfully objects to the claim: Bayview Loan Servicing, LLC at Claim No. 10–2 .
- ☒ H. Additional Terms: The secured claim of PNC Bank at Claim No. 7 shall govern, and then following all allowed post–petition payment change notices filed of record. The claim of Acura Financial Services is removed from the plan due to lease term ended and vehicle is surrendered. All prior payments are ratified and confirmed. The percentage to unsecured creditors is to be calculated from POT or 100 percent of filed claims less than POT.

**(2.) IT IS FURTHER ORDERED THAT THE FOLLOWING DEADLINES ARE ESTABLISHED:**

**A. Objections to the Plan.** Pursuant to *Fed.R.Bankr.P. 2002(b)*, this Order shall not become final for a period of twenty-eight (28) days. Any party in interest with an objection to any provision of this Confirmation Order must file a written objection within that twenty-eight (28) day period. Failure to timely object shall be deemed a waiver of all objections and an acceptance of the provisions of this confirmed Plan. The Trustee may disburse funds pursuant to this confirmation order upon its entry.

**B. Applications to retain brokers, sales agents, or other professionals.** If the Plan contemplates sales of assets or litigation proceeds as a source of funding, Debtor(s) shall file motion(s) to employ the necessary professionals within thirty (30) days hereof.

**C. Review of Claims Docket and Objections to Claims.** Pursuant to *W.PA.LBR 3021-1(c)(2)*, the Debtor or Debtor's attorney, if represented, shall review the proofs of claim filed and shall file objections to any disputed claims within ninety (90) days after the claims bar date or, for late filed or amended claims, within ninety (90) days after they are filed and served. Absent an objection, the proof of claim will govern as to the classification and amount of the claim. Objections filed after the ninety (90) days specified herein shall be deemed untimely.

**D. Motions or Complaints Pursuant to §§506, 507 or 522.** All actions to determine the priority, avoidability, or extent of liens, all actions pursuant to *11 U.S.C. §§506, 507 and 522* shall be filed within ninety (90) days after the claims bar date.

**E. Filing Amended Plans.** Within fourteen (14) days after the Bankruptcy Court resolves the priority, avoidability, or extent of a lien, or any objection to claim, the Debtor(s) shall file an amended Plan to provide for the allowed amount of the claim if the allowed amount differs from the amount stated in the plan. Debtor(s) shall also file an amended Plan within thirty (30) days after the claims bar date(s) in the event that no objection is filed and the claim(s) as filed causes the Plan to be underfunded.

(3.) ***IT IS FURTHER ORDERED THAT:***

**A.** After the claims objection deadline, the Plan shall be deemed amended to conform to the claims filed or otherwise allowed. If the Plan expressly modified the terms of payment to any creditor pursuant to *11 U.S.C. §1322(b)(2)*, nothing in this Order shall be construed to change the payment terms established in the Plan.

**B.** Any creditor who files or amends a proof of claim shall serve a copy on the Debtor(s) or counsel for the Debtor(s).

**C.** Any creditor whose payment changes due to variable interest rates, change in escrow, or change in monthly payments, shall notify the Trustee, Debtor(s)' counsel and Debtor(s) at least twenty-one (21) days prior to the change taking effect.

**D.** Debtor's counsel must file a fee application in accordance with *W.PA.LBR 2016-1* before attorney fees in excess of the "no look" provision (including retainer) will be allowed or paid.

**E.** The Trustee shall file a *Certificate of Default and Request for Dismissal* of the case in the event of a material Plan default. If the default involves failure to make a plan payment the case will result in dismissal without further hearing upon filing and service of an *Affidavit of Default* by the Trustee. The Trustee is not precluded from raising pre-confirmation defaults in any subsequent motion to dismiss.

**F.** In the event that any order is entered in this case granting relief from the automatic stay to a secured creditor, then the Trustee shall make no further disbursements to any creditor on account of any ***secured claim*** that is secured by the subject property, unless directed otherwise by further Order of Court.

  
Carlota M. Böhm, Judge  
United States Bankruptcy Court

Dated: October 25, 2018

cc: All Parties in Interest to be served by Clerk in seven (7) days

**Certificate of Notice Page 4 of 5**  
 United States Bankruptcy Court  
 Western District of Pennsylvania

In re:  
 Paul M. Ruda  
 Debtor

Case No. 17-21573-CMB  
 Chapter 13

**CERTIFICATE OF NOTICE**

District/off: 0315-2

User: jhel  
 Form ID: 149

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 Total Noticed: 22

Date Rcvd: Oct 25, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 27, 2018.

db +Paul M. Ruda, 112 Meadow Court, Pittsburgh, PA 15229-2164  
 cr +American Honda Finance Corporation, d/b/a Acura Fi, 3625 W. Royal Lane #200,  
 Irving, TX 75063-2912  
 cr +Ross Township, 437 Grant Street, 14th Floor, Frick Building, Frick Building,  
 Pittsburgh, PA 15219, UNITED STATES 15219-6101  
 14404673 ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: Acura Financial Services, P.O. Box 65507,  
 Wilmington, DE 19808-0507)  
 14665121 Capital One, N.A., c/o Becket and Lee LLP, PO Box 3001, Malvern PA 19355-0701  
 14404675 Chase Bank, PO Box 15123, Wilmington, DE 19850-5123  
 14404674 Chase Bank, c/o Cardmember services, PO Box 15123, Wilmington, DE 19850-5123  
 14404676 Chase Mortgage Corporation, P. O. Box 24696, Columbus, OH 43224-0696  
 14404677 ++NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY, PO BOX 660366, DALLAS TX 75266-0366  
 (address filed with court: Nissan Motor Acceptance, PO Box 371447, Pittsburgh, PA 15250)  
 14407083 Nissan, POB 660366, Dallas, TX 75266-0366  
 14404678 +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 14420870 +PNC Bank, PO Box 3180, Pittsburgh, PA 15230-3180  
 14678399 +PNC Bank, N.A., PO BOX 94982, Cleveland, OH 44101-4982  
 14648046 +Ross Township, Goehring, Rutter & Boehm, c/o Jeffrey R. Hunt, Esquire,  
 437 Grant Street, 14th Floor, Frick Building, Pittsburgh, PA 15219-6101  
 14404679 +The Home Depot, c/o Home Depot Credit Services, PO Box 790328, Saint Louis, MO 63179-0328

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.

14416672 E-mail/Text: ebnbankruptcy@ahm.honda.com Oct 26 2018 02:15:22  
 American Honda Finance Corporation, National Bankruptcy Center, P.O. Box 168088,  
 Irving, TX 75016-8088  
 14699234 +E-mail/Text: bkmailbayview@bayviewloanservicing.com Oct 26 2018 02:15:32  
 Bayview Loan Servicing, LLC, 4425 Ponce de Leon Blvd., 5th Floor,  
 Coral Gables, FL 33146-1837  
 14420863 E-mail/PDF: AIS.cocard.ebn@americaninfosource.com Oct 26 2018 02:16:16  
 Capital One / Union Plus Mastercard, PO Box 71104, Charlotte, NC 28272-1104  
 14664361 +E-mail/Text: bnc@bass-associates.com Oct 26 2018 02:14:33 Cavalry SPV I, LLC,  
 c/o Bass & Associates, P.C., 3936 E. Ft. Lowell Rd., Suite 200, Tucson, AZ 85712-1083  
 14420867 E-mail/Text: bnckohlsnotices@becket-lee.com Oct 26 2018 02:14:39 Kohl's, PO Box 2983,  
 Milwaukee, WI 53201-2983  
 14697975 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 26 2018 02:29:01  
 Portfolio Recovery Associates, LLC, POB 12914, Norfolk VA 23541  
 14739457 +E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com Oct 26 2018 02:17:34  
 PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

TOTAL: 7

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*

cr JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
 cr\* +PNC BANK N.A., PO BOX 94982, CLEVELAND, OH 44101-4982  
 cr\* +PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021  
 14420861\* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: Acura Financial Services, P.O. Box 65507,  
 Wilmington, DE 19808-0507)  
 14420862\* ++AMERICAN HONDA FINANCE, P O BOX 168088, IRVING TX 75016-8088  
 (address filed with court: Acura Financial Services, P.O. Box 65507,  
 Wilmington, DE 19808-0507)  
 14420864\* Chase Bank, c/o Cardmember services, PO Box 15123, Wilmington, DE 19850-5123  
 14420865\* Chase Bank, PO Box 15123, Wilmington, DE 19850-5123  
 14420866\* Chase Mortgage Corporation, P. O. Box 24696, Columbus, OH 43224-0696  
 14420868\* ++NISSAN MOTOR ACCEPTANCE CORPORATION, LOSS RECOVERY, PO BOX 660366, DALLAS TX 75266-0366  
 (address filed with court: Nissan Motor Acceptance, PO Box 371447, Pittsburgh, PA 15250)  
 14420869\* +PNC Bank, 2730 Liberty Avenue, Pittsburgh, PA 15222-4747  
 14420871\* +The Home Depot, c/o Home Depot Credit Services, PO Box 790328, Saint Louis, MO 63179-0328  
 TOTALS: 1, \* 10, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
 USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
 pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

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User: jhel  
Form ID: 149

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Total Noticed: 22

Date Rcvd: Oct 25, 2018

\*\*\*\*\* BYPASSED RECIPIENTS (continued) \*\*\*\*\*

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: Oct 27, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on October 25, 2018 at the address(es) listed below:

James Warmbrodt on behalf of Creditor JPMORGAN CHASE BANK, NATIONAL ASSOCIATION  
bkgroup@kmlawgroup.com  
Jeffrey R. Hunt on behalf of Creditor Ross Township jhunt@grblaw.com, cnoroski@grblaw.com  
Kenneth Steidl on behalf of Debtor Paul M. Ruda julie.steidl@steidl-steinberg.com,  
ken.steidl@steidl-steinberg.com;ifriend@steidl-steinberg.com;asteidl@steidl-steinberg.com;todd@st  
eidl-steinberg.com;cgoga@steidl-steinberg.com;rlager@steidl-steinberg.com;leslie.nebel@steidl-ste  
inberg.com  
Office of the United States Trustee ustpreregion03.pi.ecf@usdoj.gov  
Ronda J. Winnecour cmecf@chapter13trusteedpa.com  
William E. Craig on behalf of Creditor American Honda Finance Corporation, d/b/a Acura  
Financial Services, administrator for Honda Lease Trust ecfmail@mortoncraig.com,  
mhazlett@mortoncraig.com;mortoncraigecf@gmail.com

TOTAL: 6